



H.C.P.(MD) No.837 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Seethakumari

... Petitioner

-VS-

1.The Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.

3.Maria Adwin

4.Jeyaseelan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the second respondent to secure the detenu and produce the body or person of the detenu, viz., Kaja, D/o.Udayakumar, aged 17



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years before this Court, illegally detained by the respondents 3 & 4 and hand over the custody of the detenu to the petitioner forthwith.

For Petitioner :Mr.B.Anandan
For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the Paternal aunt of the detenu seeking to produce the person or body of the detenu viz., Kaja, D/o.Udayakumar, aged 17 years before this Court and hand over the custody to the petitioner.

2. The case of the petitioner is that her niece 17 years was living with her and on 24.06.2024 she went to school and she did not return back to home and unable to find out the whereabouts of the missing person, the petitioner has given a complaint. Based on the complaint, a case in Cr.No.128 of 2024 was registered on 24.06.2024 for 'Girl Missing'. During the course of enquiry, she



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came to know that the third respondent had kidnapped the missing person. Since the police have not taken any steps to find out the whereabouts of the missing person, she has filed the present habeas corpus petition.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that based on the complaint given by the petitioner, a case in Cr.No.128 of 2024 came to be registered for 'Girl Missing'. During the course of investigation, it was found that the third respondent had abducted the missing person and thereby, the case was altered into under Sections 6 r/w 5(i), 5(i)(ii) of POCSO Act 2012 and 493 IPC and the third respondent was secured and notice was issued to the third respondent under Section 41(b). Since the missing person was refused to go along with her parents, she is accommodate under home at Tenkasi. The girl is also likely to be produced before the Child Welfare Committee.

4. From the above facts, we find that the child is now in the home. The respondent police is yet to produce the child before the Child Welfare Committee.



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5. In view of the above, this habeas corpus petition is disposed of with a direction to the petitioner to approach the Child Welfare Committee, and the Child Welfare Committee shall pass orders in accordance with law, at the earliest.

[A.D.J.C., J.] [K.R.S., J.]
29.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
am

To:

- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

am

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